
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Cable Montana LLC)	File No. EB-04-ST-182
Physical ID Nos. 000024, 000139, 007221)	
Laurel, Big Timber, and Columbus, Montana)	NOV No. V20053298001
)	
)	

NOTICE OF VIOLATION

Released: November 16, 2004

By the District Director, Seattle Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Cable Montana, LLC, operator of the cable television system serving Laurel, Columbus and Big Timber, Montana.

2. On May 16, 17 and 19, 2004, an agent of the Commission's Seattle Office inspected Cable Montana's cable television system serving Laurel, Columbus and Big Timber, Montana, and observed the following violations:

- a. 47 C.F.R. § 76.605(a)(12): "As an exception to the general provisions requiring measurements to be made at subscriber terminals, and without regard to the type of signals carriers by the cable television system, signal leakage shall be measured in accordance with the procedures outlined in 76.609(h) and shall be limited as follows: Over 54 MHz up to and including 216 MHz – 20 micro-volts per meter, measured at 3 meters." On May 16 and 19, 2004, the agent observed the following signal leakage on the frequency of 121.2625 MHz:

1. Pole I-43 (Columbus)	140 µV/m
2. Pole I-47 (Columbus)	110 µV/m
3. Pole A1-6 (Columbus)	145 µV/m
4. 711 Busha St. (Big Timber)	80 µV/m
5. 610 Everett St. (Big Timber)	80 µV/m
6. 108 8 th Ave. (Big Timber)	64 µV/m
7. 20 2 nd Ave. (Big Timber)	67 µV/m
8. In the Alley behind 520 E. 5 th St. (Big Timber)	95 µV/m

¹ 47 C.F.R. § 1.89.

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- b. 47 C.F.R. § 76.1704(a): “The proof of performance tests required by § 76.601 shall be maintained on file at the operator’s local business office for at least five years. The test data shall be made available for inspection by the Commission or the local franchiser, upon request.” In Laurel, Montana, on May 17, 2004, the agent found that the last available proof of performance data was dated July 11, 2002.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Cable Montana must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific actions taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective actions. The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Seattle Office
11410 NE 122nd Way, Suite 312
Kirkland, WA 98034

4. This Notice shall be sent Certified Mail/Return Receipt Request and regular mail to Attention: Doug Lane, Cable Montana, LLC, P.O. Box 427, Laurel, Montana 59044.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Dennis J. Anderson
District Director
Seattle Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*